

2013
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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 4-14-2010

By: Joanne Leone
Deputy Attorney General
(973) 648-2975

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

FRANK RICCARDELLI, V.M.D.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

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Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (the "Board") following the Board's review of a consumer complaint filed by A.K. and D.K. against Frank Riccardelli, V.M.D. ("Respondent"). The consumer complaint alleged that the Respondent engaged in negligence, misdiagnosis, and deviation from the standard of care in the treatment of the complainants' eleven (11) year old dog, "Shiloh," between August 2007 and July 2009 in that Respondent failed to diagnose spots on the dog's tongue as cancer.

Shiloh was presented to Ringwood Animal Hospital ("Hospital") on August 3, 2007 for sneezing and a runny nose. At that time, the owner brought some suspicious spots on Shiloh's tongue to the attention of the attending veterinarian who stated that she would monitor them. Over the next two years, the complainants brought the spots to the attention of Dr. Riccardelli and another attending veterinarian at the Hospital. According to the complaint, during one visit, complainants asked Dr. Riccardelli if he would further investigate the spots, however, he told them this would lead to a biopsy which he felt would be too painful for Shiloh, and that they should not worry about the spots.

In correspondence to the Board, Dr. Riccardelli asserts that the allegations are unfounded. Respondent maintains that the spots on Shiloh's tongue were closely monitored and did not change over the two-year period. Respondent also asserts that at no time did he dissuade the complainants from pursuing a biopsy of the tongue spots; rather, Respondent advised the complainants that if the spots showed changes consistent with malignancy, a biopsy should be done.

The Board, following its review of the patient records and other relevant documents in this matter, has determined that, although the treatment appears appropriate, Respondent has violated its record keeping regulation due to the failure to maintain patient records as required by N.J.A.C. 13:44-4.9(a).

Specifically, certain information, including, but not limited to:
1) the name and identity of the treating veterinarian; 2) case history; 3) physical examination results; and 4) narratives to allow for case continuity, were not recorded. This conduct constitutes a violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:44-4.9, and therefore establishes a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown;

IT IS, THEREFORE, ON THIS 14TH DAY OF April, 2010

ORDERED THAT

1. The Respondent, Frank Riccardelli, V.M.D., shall cease and desist from any further violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9.

2. Dr. Riccardelli shall pay a civil penalty in the amount of \$500.00 for the record keeping violations, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a). Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Leslie G. Aronson, Executive Director, State Board of Veterinary Medical Examiners, 124 Halsey Street,

P.O. Box 45020, Newark, New Jersey 07101, contemporaneously with the entry of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Failure to comply with any of the provisions of this Order or to timely remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

I have read and understand
the within Consent Order and
agree to be bound by its terms.
Consent is hereby given to the
Board to enter this Order.

Frank Riccardelli VMD
FRANK RICCARDELLI, V.M.D.

DATED: 3/31/10

Consent as to form and entry.

Deborah A. Cmielewski
DEBORAH A. CMIELEWSKI, ESQ.
Brach Eichler, LLC
Attorney for Frank Riccardelli, V.M.D.

DATED: 4/9/10